IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Stefan Disch et al.

Application No.: 10/069,087 Confirmation No.: 9098

Filed: May 29, 2002 Art Unit: 1711

For: LOW-EMISSION COLORED POLYOXYMETHYLENE MOLDING COMPOSITION Examiner: N. M. Nutter

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on December 15, 2006, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

TICONA GmbH. See reel # 013607 and frame # 0038.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 17 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 4-10, 13, and 20

2. Claims withdrawn from consideration but not canceled: none

3. Claims pending: 1-3, 11, 12, 14-19, and 21-26

4. Claims allowed: none

5. Claims rejected: 1-3, 11, 12, 14-19, and 21-26

C. Claims On Appeal

The claims on appeal are claims 1-3, 11, 12, 14-19, and 21-26

IV. STATUS OF AMENDMENTS

Applicant filed A Request for Reconsideration and a terminal disclaimer on November 7, 2006.[1] The Examiner responded to the Request for Reconsideration in an Advisory Action mailed November 21, 2006. None of the claims were amended after final, accordingly, the claims enclosed herein as Appendix A are the claims filed prior to the final office action being issued. However, the claims in Appendix A do incorporate the amendments indicated in the paper filed by Applicant on May 30, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The application has three independent claims 1, 15 and 25. The applicant is also arguing separate patentability for dependent claims 3, 16-19, 21-24 and 26. Claims 1, 3, 15-19 and 21-26 along with the support are as follows:

[1] It is noted that the applicant entitled the Request for Reconsideration as an Amendment After Final Rejection but there were no amendments submitted with the response.

1. A colored molding composition made from polyacetal copolymer, wherein the polyacetal copolymer consisting essentially of oxymethylene units and oxyethylene units, and strong protonic acid and/or a derivative of a strong protonic acid was used as initiator during preparation of the polyacetal copolymer, and a colorant, and the emission of formaldehyde from the colored molding composition is lower than from a molding composition for which the polyacetal copolymer was prepared using a Lewis acid as initiator **[see the specification at page 3, lines 31-37];** and wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is not more than 20 mg/kg. **[see the specification at page 4, lines 8 and 9 and page 5, lines 35-37]**

3. The molding composition as claimed in claim 2, wherein the colorants carry a coating of an alkali metal salt of a fatty acid having at least 12 carbon atoms. **[see the specification at page 6, lines 10-13]**

15. A process to prepare a molding composition which comprises preparing a polyacetal copolymer which consisting essentially of oxymethylene units and oxyethylene units, using trifluoromethanesulfonic acid and/or a derivative of trifluoromethanesulfonic acid as an initiator **[see the example on page 7]**, mixing the polyacetal copolymer with at least one colorant selected from the group consisting of white pigments, black pigments and color pigments, **[see the specification at page 4, lines 3 and 4]** and obtaining a colored polyacetal molding composition whose emission of formaldehyde is lower than from a molding composition for which the polyacetal copolymer was prepared using a Lewis acid as an initiator **[see the specification at page 4, lines 11-15]** and wherein the

formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is not more than 20 mg/kg. **[see the specification at page 4, lines 8 and 9 and page 5, lines 35-37]**.

16. The process as claimed in claim 15, wherein said colorant is in an amount from 0.1 to 3.0% by weight. **[see the specification at page 4, lines 3 and 4 and page 5, lines 13-16]**

17. The process as claimed in claim 16, wherein the colorant carries a coating of an alkali metal salt of a fatty acid having at least 12 carbon atoms. **[see the specification at page 6, lines 10-13]**

18. The process as claimed in claim 15, wherein the polyacetal copolymer comprises from 0.1 to 10 mol% of oxyethylene units. **[see the specification at page 4, lines 19-21]**

19. The process as claimed in claim 15, wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is not more than 60% of the formaldehyde emission of a colored molding composition for which the polyacetal copolymer was prepared using BF_3 as initiator. **[see the original claim 5]**

21. The process as claimed in claim 15, which further comprises from 0.1 to 10% by weight of stabilizers and auxiliaries. **[see the specification at page 5, lines 13-18]**

22. The process as claimed in claim 16, wherein the polyacetal copolymer comprises from 1.0 to 2.5 mol% of oxyethylene units. **[see the specification at page 4, lines 16-21]**

23. The process as claimed in claim 15, wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is not more than 50% of the formaldehyde emission of a colored molding composition for which the polyacetal copolymer was prepared using BF_3 as the initiator. **[see the original claim 5]**

24. The process as claimed in claim 16, wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is less than 10 mg/kg. **[see the specification at page 4, lines 1-9 and in particular line 9]**

25. A process for reducing the formaldehyde emission of colored molding compositions made from polyacetal copolymer, which comprises preparing a polyacetal copolymer consisting essentially of oxymethylene units and oxyethylene units, **[see the specification at page 4, lines 1-9 and original claim 8]** using trifluoromethanesulfonic acid and/or a derivative of trifluoromethanesulfonic acid as an initiator, **[see the example on page 7]** mixing the polyacetal copolymer with at least one colorant selected from the group consisting of white pigments, black pigments and color pigments, **[see the specification at page 4, lines 3 and 4]** and obtaining a colored polyacetal molding composition whose emission of formaldehyde is lower than from a molding composition for which the polyacetal copolymer was prepared using a Lewis acid as initiator. **[see the specification at page 4, lines 11-15]**

26. The process as claimed in claim 25, wherein when the initiator is added in a solvent. **[see the original claim 9]**

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The only outstanding rejection remaining in the application is the following:

Claims 1-3, 11, 12, 14-19 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach, U.S. Patent No. 4,666,995 ("Auerbach") taken with Paul, U.S. Patent No. 4,727106 ("Paul") in view of Chapman, U.S. Patent No. 3,656,982 ("Chapman") all in view of Mück U.S. Patent No. 5,994,455 ("Mück").

VII. ARGUMENT

Claims 1-3, 11, 12, 14-19 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach taken with Paul in view of Chapman, all in view of Mück.

A. Claims 1, 2, 11, 12 and 14

Although, the use of POM as a carrier material for pigments is known, the existing shortcoming of chemical instability and subsequent formaldehyde evolution during processing and from molding has not been satisfactorily eliminated while at the same time retaining the required property profile.

The object of the applicant's claimed invention was to develop colored POM molding compositions which contain a colorant and in which **the formaldehyde emission observed hitherto has been substantially reduced**, in fact, the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), **is not more than 20 mg/kg**, without impairing the known advantageous properties of POM. (see the specification at page 3, lines 22-25). The prior art references the Examiner has applied against the claimed invention did not recognize nor solve this problem.

The Examiner has stated that Auerbach teaches the use of a colorant. As the Examiner correctly cited Auerbach at the paragraph bridging col. 8 and 9 which states,

> It is within the ambit of the present invention that the oxymethylene polymer molding composition also include, if desired,
> 1) plasticizers,
> 2) other formaldehyde scavengers,
> 3) mold lubricants,
> 4) antioxidants,
> 5) fillers,
> 6) colorants,
> 7) reinforcing agents,
> 8) light stabilizers,
> 9) pigments,
> 10) other stabilizers,
> 11) and the like, so long as such additives do not materially affect the desired properties of the resulting molding composition and the articles molded therefrom. The additional additives can be admixed at any convenient stage in the molding composition preparation, but usually are added when the oxymethylene polymer is being blended or admixed with the polyamide-carrier resin dispersion.[2]

It is noted that there are 11 optional ingredients cited by Auerbach. Auerbach gives no motivation to particularly select any of the optional ingredients (colorant).

As the Examiner pointed out, Paul discloses at col. 11, lines 3-21,

> The stabilized oxymethylene polymer compositions also include if desired,
> 1)plasticizers,
> 2) pigments,
> 3) lubricants and
> 4) other stabilizers, e.g.,
> 5) stabilizers against degradation by ultraviolet light,
> 6) e.g., 2,2'-dihydroxy-4,4'-dimethoxy -benzophenonone;
> 7) 2-hydroxy-4-methoxy-benzophenone;
> 8) 2-hydroxy-4-methoxyl-chlorobenzophenone,
> 9) nucleants,
> 10) UV screens and
> 11) absorbers,
> 12) metal soaps,

[2] The numbers have been inserted by the applicant.

13) reinforcers and
14) filler such as
15) glass,
16) talc,
17) white mica and
18) gold mica,
19) polymeric substances such as
20) ethylene vinyl acetate,
21) polyurethanes,
22) impact modifiers, and
23) color pigments which are compatible with oxymethylene polymers, e.g.,
24) red pigments such as
25) azo dye and
26) cadmium sulfide-cadmium selenide reds and
27) "Mercadium" reds,
28) blue pigments such as
29) phthalocyanine blues,
30) green pigments such as
31) chromium oxide greens,
32) white pigments such as
33) titanium dioxide whites, and
34) black pigments such as
35) carbon blacks which can be incorporated in amounts of up to about 5% by weight, based upon the total weight of the composition.[3]

It is noted that there are 35 optional ingredients cited by Paul. Paul gives no motivation to particularly select any of the optional ingredients.

Paul further discloses at col. 3, lines 28-36,

> The term oxymethylene polymer as used herein is intended to include any oxymethylene polymer having --CH_2 O-- groups comprising **at least about 50 percent of the recurring units**, for example, homopolymer, copolymers, terpolymers and the like.

Chapman describes only some pearlescent pigments for **cosmetically usage** (e.g. abstract). Under the heading of Description Of the Preferred Embodiments, Chapman states:

[3] The numbers have been inserted by the applicant.

"The present invention is particularly useful and beneficial in conjunction with pearlescent pigments which are to be incorporated in compressed **cosmetic powders**." (emphasis added)

There are no compositions described in Chapman which encompasses oxymethylene/oxyethylene copolymers. In addition, there is no indication given which kind of oxymethylene/oxyethylene copolymers has to be used for the reduction of the formaldehyde emission raised through the mixture of said copolymer with a colorant (pigment). The applicant does not believe that Chapman is related to the applicant's claimed invention or for that matter is combinable with the other references applied against the claims. Chapman is in a non-analogous art (cosmetic powders).

The Examiner states at the second full paragraph of page 6 of the Office Action that he relies upon Mück soley to show the trifluoromethanesulfonic acid initiator.

However, none of the applied references disclose that the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA **275**), is not more than 20 mg/kg (see independent claim 1).

The Examiner argues at the bottom of page 6 of the Final Office Action mailed July 17, 2006, that the low level of formaldehyde emission is inherent. However, the applicant respectfully disagrees. In a second step, a colorant is added to these polyoxymethylenes to form a colored composition with a low formaldehyde emission level. However, it is important to understand that the addition of a colorant usually leads to an increased destruction of the polyoxymethlene and following to an increased emission of formaldehyde. In the state of the art, the increased formaldehyde emission is reduced by addition of N-containing compounds. In view of the present invention it was unexpectedly found that such an increase of emitted formaldehyde

occurred by adding a colorant can be avoided respectively reduced if the specific prepared polyoxymethylenes are used. So the argument of the Examiner is to simply state that only a polyoxymethylene with a low emission level of formaldehyde is used to prepare a colored polyoxymethylene composition which shows also a low formaldehyde emission. In contrast thereto it was not obvious that the colored, specific prepared polyoxymethylenes shows a reasonable lower increase of formaldehyde emission compared with other polyoxymethylenes prepared with other methods after coloration.

The oxymethylene/oxyethylene copolymers can be prepared with several alternative initiators (e.g. with Lewis acids, see Mück column 1, lines 35-39). There is no evidence in Mück that copolymers containing oxymethylene and oxyethylene units and a colorant (pigment) leads to an increased formaldehyde emission and that this emission can be reduced by mixing specific prepared copolymers (with a strong protonic acid) with the colorant (pigment). For example, the preparation of the copolymers with Lewis acids (described in Mück) leads to a higher formaldehyde emission (see e.g., the present application, in particular the comparative examples, wherein the copolymer is prepared with BF_3 (page 8 line 1, results page 10 table 1)).

In the state of the art the use of N-containing stabilizers are known to increase e.g. light or melt stability (e.g. EP 448037, Kosinski (previously applied by the Examiner against the claims), see page 6, lines 4-19 of Kosinski). Surprisingly, oxymethylene-oxyethylene copolymers prepared with a specific method (with strong protonic acids as initiator) leads to a low formaldehyde emission level if a colorant is added. There is **NO** indication in Auerbach, Paul, Mück, nor Chapman that this specific combination (oxymethylene-oxyethylene copolymers in accordance with claim 1 and a colorant) to get colored copolymers results in a low emission level of formaldehyde, in particular, formaldehyde emission, determined on test specimens in

accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is not more than 20 mg/kg.

Further a person of ordinary skill in the art couldn't find any evidence in to prepare copolymers containing oxymethylene and oxyethylene units mixed with a colorant (pigment), wherein the copolymer is prepared with a strong protonic acid to reduce the formaldehyde emission of the resulting colored copolymer compound.

In summary, there are 11 optional ingredients cited by Auerbach. Auerbach gives no motivation to particularly select the colorant amongst the optional ingredients. There are 35 optional ingredients cited by Paul. Paul gives no motivation to particularly select any of the optional ingredients. Chapman is related to a totally different field of invention that the applicant does not believe one of ordinary skill in the POM art would even look at Chapman. Again, Chapman describes only some pearlescent pigments for **cosmetically usage.** Mück does not disclose that the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA **275**), is not more than 20 mg/kg.

The Examiner must consider the references as a whole, In re Yates, 211 USPQ 1149 (CCPA 1981). The Examiner cannot selectively pick and choose from the disclosed multitude of parameters **without any direction** as to the particular one selection of the reference **without proper motivation**. The mere fact that the prior art may be modified to reflect features of the claimed invention does not make modification, and hence claimed invention, obvious **unless the prior art suggested the desirability of such modification** (In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984); In re Baird, 29 USPQ 2d 1550 (CAFC 1994) and In re Fritch, 23 USPQ 2nd. 1780 (Fed. Cir. 1992)). In re Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (in a determination under 35 U.S.C. § 103 it is impermissible to

simply engage in a hindsight reconstruction of the claimed invention; the references themselves must provide some teaching whereby the applicant's combination would have been obvious); In re Dow Chemical Co., 837 F.2d 469,473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988) (under 35 U.S.C. § 103, both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure). The applicants disagree with the Examiner why one skilled in the art with the knowledge of the references would selectively modify the references in order to arrive at the applicants' claimed invention. The Examiner's argument is clearly based on hindsight reconstruction.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching, suggestion, or incentive supporting this combination, although it may have been obvious to try various combinations of teachings of the prior art references to achieve the applicant's claimed invention, such evidence does not establish prima facie case of obviousness (In re Geiger, 2 USPQ 2d. 1276 (Fed. Cir. 1987)). There would be no reason for one skilled in the art to Auerbach taken with Paul in view of Chapman and Mück. For the above reasons, this rejection should be withdrawn.

B. Claim 3

Claim 3 further limits claim 2 and further requires that the colorants carry a coating of an alkali metal salt of a fatty acid having at least 12 carbon atoms. The Examiner is correct that Chapman shows this feature, but as stated above, the applicant does not believe that one of ordinary skill in the colored molding composition made from polyacetal copolymer art would rely upon Chapman as an applicable reference. Again, Chapman is related to a totally different field of invention (cosmetic). The applicant does not believe one of ordinary skill in the POM art

would even look at Chapman. Chapman describes only some pearlescent pigments for **cosmetic usage.** The other references the Examiner relies upon do not show this claimed feature.

C. **Claims 15, 16, 18, 19 and 21- 23**

In addition to the arguments presented for claim 1 above, Claim 15 is narrower than claim 1, with respect to the following features:

(1) the initiator is very specific, trifluoromethanesulfonic acid and/or a derivative of trifluoromethanesulfonic acid,

(2) the colorant is specific and is selected from the group consisting of white pigments, black pigments and color pigments.

Again, as stated above, Mück does mention colorants. The Examiner states at the second full paragraph of page 6 of the Final Office Action that he relies upon Mück soley to show the trifluoromethanesulfonic acid initiator. The Examiner has relied upon Paul for the disclosure of the specific colorants which are selected from the group consisting of white pigments, black pigments and color pigments.

Again, the Examiner must consider the references as a whole, In re Yates, *supra*. The Examiner cannot selectively pick and choose from the disclosed multitude of parameters **without any direction** as to the particular one selection of the reference **without proper motivation**. The mere fact that the prior art may be modified to reflect features of the claimed invention does not make modification, and hence claimed invention, obvious **unless the prior art suggested the desirability of such modification** (In re Gordon, *supra*); In re Baird, *supra* and In re Fritch, *supra*). In re Gorman, *supra*) (in a determination under 35 U.S.C. § 103 it is impermissible to simply engage in a hindsight reconstruction of the claimed invention; the references themselves

must provide some teaching whereby the applicant's combination would have been obvious); In re Dow Chemical Co., *supra*) (under 35 U.S.C. § 103, both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure). The applicants disagree with the Examiner why one skilled in the art with the knowledge of the references would selectively modify the references in order to arrive at the applicants' claimed invention. The Examiner's argument is clearly based on hindsight reconstruction.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching, suggestion, or incentive supporting this combination, although it may have been obvious to try various combinations of teachings of the prior art references to achieve the applicant's claimed invention, such evidence does not establish prima facie case of obviousness (In re Geiger, *supra*). There would be no reason for one skilled in the art to Auerbach taken with Paul in view of Chapman and Mück.

Claims 16, 18, 19 and 21- 24 ultimately depend upon claim 15 and would be patentable for at least the same reasons claim 15 is patentable.

D. Claim 17

Claim 17 further limits claim 16 and further requires that the colorants carry a coating of an alkali metal salt of a fatty acid having at least 12 carbon atoms. The Examiner is correct that Chapman shows this feature, but as stated above, the applicant does not believe that one of ordinary skill in the colored molding composition made from polyacetal copolymer art would not rely upon Chapman as an applicable reference. As stated above, Chapman is related to a different art (cosmetic usage) and is not combinable with the other references. The other references the Examiner do not teach this limitation.

E. Claim 24

Claim 24 further limits claim 16, which further limits claim 15 as discussed above. In addition claim 24 further requires the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is less than 10 mg/kg. As stated above, none of the references teach a formaldehyde emission less than 20 mg/kg as is required in claims 1 and 15, let alone a formaldehyde emission less than 10 mg/kg as is required in claim 24. The Examiner has just asserted that this limitation is inherent in the prior art. The applicant respectfully disagrees.

F. Claims 25 and 26

Claim 25 is a process claim directed for reducing the formaldehyde emission of colored molding compositions made from polyacetal copolymer. Claim 25 requires a composition whose emission of formaldehyde is lower than from a molding composition for which the polyacetal copolymer was prepared using a Lewis acid as initiator. None of the references teach reducing formaldehyde emissions. The Examiner has asserted that this is inherent and the applicant respectfully disagrees.

Claim 25 requires a that the initator is trifluoromethanesulfonic acid and/or a derivative of trifluoromethanesulfonic acid. The Examiner has relied upon Mück for this feature.

In addition, this group of claims requires the specific colorant selected from the group consisting of white pigments, black pigments, and color pigments. As stated above, the Examiner has relied upon Chapman for this teaching but Chapman is not believed to be combinable because it is directed to a non-analogous art.

Again, the Examiner must consider the references as a whole, In re Yates, *supra*. The Examiner cannot selectively pick and choose from the disclosed multitude of parameters **without**

any direction as to the particular one selection of the reference **without proper motivation**. The mere fact that the prior art may be modified to reflect features of the claimed invention does not make modification, and hence claimed invention, obvious **unless the prior art suggested the desirability of such modification** (In re Gordon, *supra*); In re Baird, *supra* and In re Fritch, *supra*). In re Gorman, *supra*) (in a determination under 35 U.S.C. § 103 it is impermissible to simply engage in a hindsight reconstruction of the claimed invention; the references themselves must provide some teaching whereby the applicant's combination would have been obvious); In re Dow Chemical Co., *supra*) (under 35 U.S.C. § 103, both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure). The applicants disagree with the Examiner why one skilled in the art with the knowledge of the references would selectively modify the references in order to arrive at the applicants' claimed invention. The Examiner's argument is clearly based on hindsight reconstruction.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching, suggestion, or incentive supporting this combination, although it may have been obvious to try various combinations of teachings of the prior art references to achieve the applicant's claimed invention, such evidence does not establish prima facie case of obviousness (In re Geiger, *supra*). There would be no reason for one skilled in the art to Auerbach taken with Paul in view of Chapman and Mück.

Claim 26 is dependent upon claim 25 and would be patentable for at least the same reasons claim 25 is patentable.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A do include the amendments filed by Applicant on May 30, 2006, and do not include the amendment(s) filed on November 7, 2006.

Respectfully submitted,

By _____

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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/069,087

1. A colored molding composition which comprises a polyacetal copolymer, wherein the polyacetal copolymer consisting essentially of oxymethylene units and oxyethylene units, and strong protonic acid and/or a derivative of a strong protonic acid was used as initiator during preparation of the polyacetal copolymer, and a colorant, and the emission of formaldehyde from the colored molding composition is lower than from a molding composition for which the polyacetal copolymer was prepared using a Lewis acid as initiator and wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is not more than 20 mg/kg.

2. The molding composition as claimed in claim 1, which comprises from 0.1 to 3.0% by weight of colorants selected from the group consisting of white pigments, black pigments, and color pigments.

3. The molding composition as claimed in claim 2, wherein the colorants carry a coating of an alkali metal salt of a fatty acid having at least 12 carbon atoms.

11. The molding composition as claimed in claim 1, wherein the polyacetal copolymer comprises from 0.1 to 10 mol% of oxyethylene units.

12. The molding composition as claimed in claim 1, wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is not more than 60% of the formaldehyde emission of a colored molding composition for which the polyacetal copolymer was prepared using BF_3 as the initiator.

14. The molding composition as claimed in claim 1, which further comprises from 0.1 to 10% by weight of stabilizers and auxiliaries.

15. A process to prepare a molding composition which comprises preparing a polyacetal copolymer which consisting essentially of oxymethylene units and oxyethylene units, using trifluoromethanesulfonic acid and/or a derivative of trifluoromethanesulfonic acid as an initiator, mixing the polyacetal copolymer with at least one colorant selected from the group consisting of white pigments, black pigments and color pigments, and obtaining a colored polyacetal molding composition whose emission of formaldehyde is lower than from a molding composition for which the polyacetal copolymer was prepared using a Lewis acid as an initiator and wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is not more than 20 mg/kg.

16. The process as claimed in claim 15, wherein said colorant is in an amount from 0.1 to 3.0% by weight.

17. The process as claimed in claim 16, wherein the colorant carries a coating of an alkali metal salt of a fatty acid having at least 12 carbon atoms.

18. The process as claimed in claim 15, wherein the polyacetal copolymer comprises from 0.1 to 10 mol% of oxyethylene units.

19. The process as claimed in claim 15, wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is not more than 60% of the formaldehyde emission of a colored molding composition for which the polyacetal copolymer was prepared using BF_3 as initiator.

21. The process as claimed in claim 15, which further comprises from 0.1 to 10% by weight of stabilizers and auxiliaries.

22. The process as claimed in claim 16, wherein the polyacetal copolymer comprises from 1.0 to 2.5 mol% of oxyethylene units.

23. The process as claimed in claim 15, wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation

No. 275 (VDA 275), is not more than 50% of the formaldehyde emission of a colored molding composition for which the polyacetal copolymer was prepared using BF_3 as the initiator.

24. The process as claimed in claim 16, wherein the formaldehyde emission, determined on test specimens in accordance with the German Automotive Industry Recommendation No. 275 (VDA 275), is less than 10 mg/kg.

25. A process for reducing the formaldehyde emission of colored molding compositions made from polyacetal copolymer, which comprises preparing a polyacetal copolymer consisting essentially of oxymethylene units and oxyethylene units, using trifluoromethanesulfonic acid and/or a derivative of trifluoromethanesulfonic acid as an initiator, mixing the polyacetal copolymer with at least one colorant selected from the group consisting of white pigments, black pigments and color pigments, and obtaining a colored polyacetal molding composition whose emission of formaldehyde is lower than from a molding composition for which the polyacetal copolymer was prepared using a Lewis acid as initiator.

26. The process as claimed in claim 25, wherein when the initiator is added in a solvent.

APPENDIX B

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

APPENDIX C

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.